

EASTERN DISTRICT OF VIRGINIA

2009 APR 27 P 4:28
CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

V.

Defendant.

Judge T.S. Ellis, III

~~UNDER SEAL~~

After his arrest on August 1, 2008, law enforcement agents interviewed the defendant on several occasions. During those interviews, the defendant provided some useful information that agents used to corroborate information provided by other defendants as well as identify additional subjects. However,

the defendant failed to disclose that he was still communicating via telephone with Tobechi Onwuhara the main subject in this investigation, who is still a fugitive. After his plea on November 20, 2008, agents directly asked the defendant about communications with ONWUHARA, and although he at first denied speaking with ONWUHARA, the defendant eventually admitted talking with ONWUHARA on the phone.

From that point on, the defendant has been much more proactive in assisting the government. The defendant provided information about two parties at which co-defendant Donald Okoro would be attending. However, agents were unable to follow-up on these leads. The defendant provided additional information about OKORO that eventually assisted in OKORO's apprehension in March 2009. The defendant also provided information about phone calls wit ONWUHARA, both past calls and additional calls as they occurred. As a result of this information and other information obtained by agents, it is believed that agents have identified a phone being used by ONWUHARA as well as his current location (at least city and country). However, due to international issues, little progress has been made in apprehending ONWUHARA.

On April 7, 2009, the defendant testified at the trial of coconspirator Henry Obilo (1:09cr47). The defendant was a key witness in that he had personal knowledge of the agreement as well as payments between OBILO and ONWUHARA. The jury convicted OBILO of conspiring to commit bank fraud after approximately one hour and forty-five minutes of deliberations.

Finally, the defendant has provided a great deal of information on others involved in this scheme and is expected to testify in front of the Grand Jury this week in reference to other coconspirators. As a trusted associate of ONWUHARA, the defendant was in the center of the goings-on in the conspiracy. As a result, he saw and heard a great deal about who was involved and what they were doing. The

defendant has been able to corroborate a great deal of information provided by others as well as provide leads on several individuals who appear to be continuing to communicate with ONWUHARA and run this scheme.

III. Recommendation

The defendant deserves substantial credit for his cooperation. His testimony, in part, led to the conviction of Henry Obilo. In addition, his cooperation was a factor in locating Donald Okoro. The information he has provided has also identified numerous other individuals who are involved in this scheme and pointed in the general direction of Tobechei Onwuhara.

Therefore, the defendant deserves a reduction of sentence. The Substantial Assistance Committee of the United States Attorney's Office carefully evaluated the defendant's cooperation. The Committee has approved a recommendation of a 40% reduction pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure, resulting in a total sentence of 22 months. The United States accordingly makes that recommendation to the Court. Further, in accordance with this Court's Local Criminal Rule 49, the government respectfully requests that this motion and memorandum and any response to it be filed under seal.

Respectfully submitted,

Dana J. Boente
Acting United States Attorney

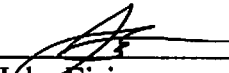
By: 
John Eisinger
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have sent by facsimile a true copy of the foregoing Government's Sealed Motion to Reduce Sentence and Supporting Memorandum to:

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This 27th day of April, 2009.



John Eisinger
Assistant United States Attorney